

the approved program no longer complies with the requirements of part 70. This section goes on to list a number of potential bases for program withdrawal, including the case where the permitting authority's legal authority no longer meets the requirements of part 70 because a court has struck down or limited state authorities to administer the program. 40 CFR 70.10(c)(1)(I)(B).

40 CFR 70.10(b) sets forth the procedures for program withdrawal, and requires as a prerequisite to withdrawal that the permitting authority be notified of any finding of deficiency by the Administrator and that the document be published in the **Federal Register**. Today's document satisfies this requirement and constitutes a finding of program deficiency. If the permitting authority has not taken "significant action to assure adequate administration and enforcement of the program" within 90 days after publication of a notice of deficiency, EPA may withdraw the state program, apply any of the sanctions specified in section 179(b) of the Act, or promulgate, administer, and enforce a federal Title V program. 40 CFR 70.10(b)(2). Part 70.10(b)(4) provides that, if the state has not corrected the deficiency within 18 months after the date of finding of deficiency, EPA must promulgate, administer, and enforce a whole or partial program within 2 years of the date of the finding.

This document is not a proposal to withdraw the State's Title V program. Consistent with part 70.10(b)(2), EPA will wait at least 90 days, at which point it will determine whether the State has taken significant action to correct the deficiency. Any proposal to withdraw approval of the State's Title V program will occur after the end of the 90-day period.

II. Administrative Requirements

As noted above, publication of this notice of deficiency does not effect a withdrawal of the State's Title V program. Program withdrawal, if necessary, will be accomplished through a subsequent notice-and-comment rulemaking. This action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16,

1994). The Office of Management and Budget has exempted this action from review under Executive Order 12866 (58 FR 51735, October 4, 1993). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

This action is a Notice of Deficiency and does not constitute a rule; therefore Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks does not apply. For the same reason, section 112(d) of the National Technology Transfer Advancement Act of 1995 also does not apply.

Dated: November 20, 1998.

Carol M. Browner,

Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6194-7]

The Freelove Valley Home Meth Lab Superfund Site; Notice of Proposed Agreement for Payment Future Costs and Recovery of Past Response Costs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA), notice is hereby given that a proposed CERCLA section 122(h)(i) Agreement for Payment of Past Costs associated with the Freelove Valley Home Meth Lab Superfund Site (Site) was executed by EPA and the Mr. Ramon Cercas. The proposed Agreement would resolve certain claims of EPA under section 107 of CERCLA, 42 U.S.C. 9607. The proposed Agreement would require Mr. Ramon Cercas to pay to EPA \$12,000 for the work conducted by EPA at the Site.

For thirty (30) days following the date of publication of this document, EPA will receive written comments relating to the settlement. If requested prior to the expiration of this document, EPA

will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for inspection at the U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before December 30, 1998.

AVAILABILITY: A copy of the proposed Agreement may be obtained from David Rabbino, Assistant Regional Counsel (RC-3), 75 Hawthorne Street, San Francisco, California 94105. Comments should reference the Freelove Valley Home Meth Lab Superfund Site and EPA Docket No. 99-02, and should be addressed to David Rabbino at the above address.

FOR FURTHER INFORMATION CONTACT:

David Rabbino, Office of Regional Counsel, U.S. EPA, Region IX, 75 Hawthorne Street, (RC-3), San Francisco, California 94105; E-mail: Rabbino.David@epamail.epa.gov; Telephone: (415) 744-1336.

Keith Takata,

Acting Deputy Director, Superfund Division, Region IX.

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ENVIRONMENTAL PROTECTION AGENCY

[FRC-6194-6]

Southern Wood Piedmont Superfund, Wilmington, New Hanover, North Carolina; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Settlement.

SUMMARY: Pursuant to section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) proposes to enter into an Agreement for the Recovery of Past Response Costs with Southern Wood Piedmont, Inc. and its parent company, Rayonier, Inc. (Settling Parties). Pursuant to the Agreement, the Settling Parties will reimburse EPA all response costs expended at the Site, excluding interest that has accrued such costs.

EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the